

# **Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

## **Subtitle 44 BOARD OF DENTAL EXAMINERS**

### **Chapter 04 Practice of Dental Hygiene**

**Authority: Health Occupations Article, §4-206, Annotated Code of Maryland**

#### **.01 Scope.**

These regulations govern the practice of dental hygiene by all licensed dental hygienists in the State.

#### **.01-1 Definitions.**

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

- (1) "Board" means the Maryland State Board of Dental Examiners.
- (2) "Dental hygienist" means a registered dental hygienist who holds an active license to practice dental hygiene in Maryland.
- (3) "Dentist" means a dentist who holds an active license to practice dentistry in Maryland.
- (4) "NERB" means the North East Regional Board of Dental Examiners, Inc.

#### **.02 Intraoral Functions.**

A. The following intraoral functions may be performed in the practice of dental hygiene:

- (1) Preliminary dental examination;
- (2) Dental prophylaxis, which includes:
  - (a) Scaling and root planing;
  - (b) Polishing a tooth or a restoration;
- (3) Placing and removing perio dressings, including an initial dressing;
- (4) Placing sealants;
- (5) Taking impressions for study models, custom fluoride trays, or athletic mouth guards;
- (6) Exposing a dental x-ray;
- (7) Performing a brush biopsy;
- (8) Placing subgingival medicaments;
- (9) Cementing temporary crowns or restorations; and
- (10) Performing any duty that either a dental assistant, or a dental assistant who is listed on the roster of dental assistants recognized as qualified in orthodontics or general duties, may perform.

B. A dental hygienist may administer local anesthesia by infiltration only after Board recognition as provided in this chapter.

C. A dental hygienist may perform manual curettage in conjunction with scaling and root planing only after meeting the requirements of Regulation .10 of this chapter.

### **.03 Exceptions.**

The following intraoral functions may not be performed in the practice of dental hygiene:

- A. Diagnosis;
- B. Extraction;
- C. Cavity repair;
- D. Tooth placement correction;
- E. Surgical procedures;
- E-1. Anesthesia procedures other than:
  - (1) Administering topical anesthesia; or
  - (2) Administering local anesthesia by infiltration in accordance with:
    - (a) Health Occupations Article, §4-206.1, Annotated Code of Maryland;
    - and
    - (b) The requirements of Regulation .05 of this chapter;
- F. Condensing, carving, or finishing any restoration; and
- G. Cementing permanent crowns or restorations.

### **.04 Additional Functions for Dental Hygienists Who Obtain Board Recognition.**

In addition to those functions described in Regulation .02A of this chapter, a dental hygienist who is recognized by the Board as qualified may administer local anesthesia by infiltration.

### **.05 Local Anesthesia.**

A. A dental hygienist who is recognized by the Board to administer local anesthesia by infiltration may do so provided that the administration of local anesthesia is:

- (1) By infiltration for the purpose of anesthetizing soft tissue to facilitate the performance of dental hygiene procedures;
- (2) Not performed as a medical specialty; and
- (3) Under the supervision of a dentist who:
  - (a) Is physically on the premises: and
  - (b) Prescribes the administration of local anesthesia by the dental hygienist.

B. A dental hygienist may administer local anesthesia only as provided in this regulation.

C. A dental hygienist may not administer local anesthesia by infiltration unless recognized by the Board as being qualified to do so as provided in this chapter.

D. Classification of Board Recognition. The Board shall recognize the classification of recognized to administer local anesthesia by infiltration.

## **.06 Manual Curettage.**

A. A dental hygienist who successfully completes a Board-approved course in manual curettage in conjunction with scaling and root planing as outlined in Regulation .10 of this chapter may perform manual curettage in conjunction with scaling and root planing without applying for or receiving recognition from the Board.

B. A dental hygienist who successfully completes the Board-approved course in manual curettage in conjunction with scaling and root planing as outlined in Regulation .10 of this chapter shall:

- (1) Maintain proof of successful completion of the course; and
- (2) Provide documentation of successful completion of the course to the Board upon the Board's request.

## **.07 Qualifications for Recognition by the Board to Administer Local Anesthesia by Infiltration.**

A. A dental hygienist who wishes to receive recognition by the Board as being qualified to administer local anesthesia by infiltration shall:

- (1) Hold an active license to practice dental hygiene in this State; and
- (2) Successfully complete a Board-approved course of instruction as outlined in Regulation .08 of this chapter that documents training of at least 28 hours consisting of at least:

- (a) 20 hours of didactic training in administering local anesthesia; and
- (b) 8 hours of clinical training in administering local anesthesia.

B. A dental hygienist shall pass a written and clinical examination administered by the Board-approved course with an overall passing grade of at least 75 percent in the written examination portion and the clinical examination portion.

C. The Board-approved course of instruction in administering local anesthesia may be obtained by:

- (1) A dental hygienist while an undergraduate student in a Board-approved school for dental hygiene that is accredited by the American Dental Association Committee on Dental Accreditation or its successor organization; or
- (2) A dental hygienist who completes the course offered by an accredited dental hygiene program.

D. In addition to the requirements of this regulation, a dental hygienist who wishes to receive recognition by the Board as being qualified to administer local anesthesia by infiltration shall pass the NERB Local Anesthesia Examination for Dental Hygienists.

## **.08 Board-Approved Course of Instruction for Local Anesthesia.**

The 28-hour local anesthesia Board-approved course of instruction outlined in Regulation .07A and B of this chapter shall include but not be limited to the following:

A. 20 hours of didactic training, including at least the following:

- (1) The psychology of pain management;
- (2) A review of anatomy, physiology, and pharmacology of anesthetic agents;
- (3) Emergency precautions and management;

- (4) Patient management; and
- (5) Instruction on the safe and effective administration of local anesthesia; and
- B. 8 hours of clinical training, including the direct observation of the performance of procedures.

**.09 Out-of-State Certification to Administer Local Anesthesia or Manual Curettage.**

A. Local Anesthesia by Infiltration. A dental hygienist holding an active certification to administer local anesthesia in another state or who is otherwise recognized to administer local anesthesia in another state may be granted recognition to administer local anesthesia by infiltration in Maryland without taking and passing the Board-approved course outlined in Regulation .07A and B of this chapter if the dental hygienist:

- (1) Has passed the NERB Local Anesthesia Examination for Dental Hygienists; and

- (2) Applies for and receives recognition by the Board as qualified to administer local anesthesia by infiltration.

B. Manual Curettage in Conjunction with Scaling and Root Planing. A dental hygienist holding an active certification to perform manual curettage in conjunction with scaling and root planing in another state, or who is otherwise recognized to perform manual curettage in conjunction with scaling and root planing in another state, may, while so certified or recognized in another state, perform manual curettage in conjunction with scaling and root planing without taking and passing the Board-approved course in manual curettage in conjunction with scaling and root planing outlined in Regulation .10 of this chapter.

**.10 Board-Approved Course in Manual Curettage in Conjunction with Scaling and Root Planing.**

A. A dental hygienist who wishes to perform manual curettage in conjunction with scaling and root planing shall successfully complete a 2-hour Board-approved course of instruction in manual curettage in conjunction with scaling and root planing.

B. The 2-hour Board-approved course of instruction in manual curettage in conjunction with scaling and root planing shall contain a total of 2 hours of didactic instruction.

C. A dental hygienist who takes the Board-approved course of instruction in manual curettage in conjunction with scaling and root planing outlined in §A of this regulation shall pass a written examination administered by the Board-approved course with a grade of at least 75 percent.

D. The Board-approved course of instruction in manual curettage in conjunction with scaling and root planing may be obtained by a dental hygienist while an undergraduate student in a Board-approved school for dental hygiene that is accredited by the American Association Committee on Dental Accreditation or its successor organization.

E. The 2-hour Board-approved course of instruction in manual curettage in conjunction with scaling and root planing:

- (1) May but need not be taken from an accredited dental hygiene program; and
- (2) May be taken online.

## **.11 Continuing Education and Renewal.**

A. A dental hygienist is not required to renew the Board recognition to administer local anesthesia by infiltration.

B. A dental hygienist is not required to renew the Board recognition to perform manual curettage in conjunction with scaling and root planing.

C. A dental hygienist who has successfully completed the following since graduating from an approved school of dental hygiene may receive continuing education credit toward renewal of their dental hygiene license:

- (1) The 28-hour Board-approved course of instruction for local anesthesia;
- (2) The 2-hour Board-approved course of instruction in manual curettage in conjunction with scaling and root planing; and
- (3) The NERB Local Anesthesia Examination for Dental Hygienists.

## **.12 Requirements for Instructors for Course on Local Anesthesia.**

If the Board-approved course of instruction in local anesthesia is taught by a dental hygienist, a dentist shall:

A. Be present in the classroom during clinical instruction, which includes but is not limited to the administration of local anesthesia; and

B. Be affiliated with the same dental hygiene program as the dental hygienist teaching the course.

## **.13 Application for Board Recognition.**

A. A dental hygienist shall submit a completed Board-approved application with the Board to be recognized as qualified to administer local anesthesia by infiltration.

B. Recognized as Qualified to Administer Local Anesthesia by Infiltration.

(1) Not Certified or Otherwise Recognized in Another State. A dental hygienist who applies to be recognized as qualified to administer local anesthesia by infiltration and who is not certified or otherwise recognized to administer local anesthesia in another state shall submit to the Board:

- (a) A completed Board-approved application;
- (b) Proof of completion of a 28-hour Board-approved course of instruction in the administration of local anesthesia in the form of a letter from an accredited dental hygiene program indicating that the applicant has:
  - (i) Successfully completed the course; and
  - (ii) Received an overall passing grade of at least 75 percent in both the course's written examination and the course's clinical examination;
- (c) A certified examination score from the NERB indicating that the applicant has passed the NERB Local Anesthesia Examination for Dental Hygienists;
- (d) A fee as specified in COMAR 10.44.20; and
- (e) Any other pertinent documents or information requested by the Board.

(2) Recognized as Qualified to Administer Local Anesthesia by Infiltration by Virtue of Being Recognized in Another State. A dental hygienist who applies to be recognized as qualified to administer local anesthesia by infiltration by virtue of being certified or otherwise recognized to administer local anesthesia in another state shall submit the following to the Board:

- (a) A Board-approved application;
- (b) A certified copy of the dental hygienist's most recent license or certification from the state of licensure or certification, indicating that the dental hygienist holds a current license or certification to administer local anesthesia;
- (c) A certified examination score from the NERB indicating that the applicant has passed the NERB Local Anesthesia Examination for Dental Hygienists;
- (d) An affidavit indicating that the hygienist has successfully administered local anesthesia by infiltration at least 25 times in the 2-year period immediately preceding the date of application;
- (e) A fee as specified in COMAR 10.44.20; and
- (f) Any other pertinent documents or information requested by the Board.

C. The letter from the accredited dental hygiene program referenced in §B(1)(b) of this regulation shall:

- (1) Be on the letterhead of the accredited dental hygiene program;
- (2) Contain a raised embossed school seal; and
- (3) Contain the original signature of either:
  - (a) The Dean of the accredited dental hygiene program; or
  - (b) The head of the dental hygiene department.

#### **.14 Display and Location of Recognition.**

A dental hygienist recognized by the Board as qualified to administer local anesthesia by infiltration shall display the recognition conspicuously in the office where the holder is engaged in practice.

#### **.15 Violations.**

A. Subject to the hearing provisions of Health Occupations Article, §4-318, Annotated Code of Maryland, the Board may take the following action against a dental hygienist who violates any provision of this chapter or who violates any provision of Health Occupations Article, §4-315(b)(1)—(17), Annotated Code of Maryland:

- (1) Deny the recognition to administer local anesthesia by infiltration;
- (2) Revoke or suspend the recognition to administer local anesthesia by infiltration;
- (3) Deny the privilege to perform manual curettage in conjunction with scaling and root planing;
- (4) Issue a reprimand; and
- (5) Take disciplinary action under Health Occupations Article, §4-315(b), Annotated Code of Maryland.

B. Failure to comply with this chapter constitutes unprofessional conduct and may constitute other violations of law.

#### **.16 Summary Suspension.**

A. The Board may order the summary suspension of the recognition qualified to administer local anesthesia by infiltration or the privilege to perform manual curettage in conjunction with scaling and root planing if the Board:

(1) Finds that the public health, safety, or welfare imperatively requires emergency action; and

(2) Promptly gives the licensee:

(a) Written notice of the suspension, the finding, and the reasons that support the finding; and

(b) An opportunity to be heard.

B. Service of the notice of the suspension, the finding, the reasons that support the finding, and the notice of the opportunity to be heard may be effected upon the holder of the recognition by:

(1) Personal service; or

(2) Written notice sent by certified mail and regular mail to the recognition holder's address on file with the Board.

C. Service made pursuant to §B(2) of this regulation shall be effective upon mailing.

D. The methods of service provided in this regulation are in addition to and not exclusive of any other means of service that are reasonably calculated to provide notice.

### ***Administrative History***

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